



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: January 3, 2013

Chloris Guth Zimmerman
95 Daisy Dean Road
Wilsall, MT 59086

Dear Ms. Zimmerman,

Happy New Year. I wanted to write and introduce myself. I have been the District Ranger for the Yellowstone Ranger District of the Gallatin National Forest for the last year or so. I am in possession of a case file which concerns the Government's assertion of a valid public right of access across your property in the form of a trail easement along the "Porcupine Lowline Trail."

It appears from our files that you have posted this trail closed as it passes through your property; indicating that you refute any public easement across your property. We have public national forest maps approximately a century old that indicate the Porcupine Lowline trail has been continuously and openly used by the public for many decades. Local residents have also approached me asserting their personal history using the Porcupine Lowline trail for recreational purposes.

While the Government maintains that a valid public easement exists for the Porcupine Lowline Trail; I wondered if we might meet over coffee so that I could hear your perspective in person, and ensure that I have a clear picture of your opinion on these matters. I can be reached at my desk in Livingston or Big Timber (406_823_6066 or 406_932_5155). I look forward to meeting you in person.

Sincerely,



/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

EXHIBIT AA





United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: January 30, 2013

Sent 1/30/2013
U.S. Mail

Chloris Guth Zimmerman
95 Daisy Dean Road
Wilsall, MT 59086

Dear Ms. Zimmerman,

I hope this letter finds you well. On 3 January, 2013 I wrote you to introduce myself and to invite you to coffee to discuss your perspective on the Porcupine Lowline Trail. I have not heard back from you.

By all indications, this public travel route has existed for more than a century and perhaps for centuries. The 1937 Absaroka National Forest map shows the Porcupine Lowline Trail as a discrete travel route between the Ibex and Porcupine Guard Stations—two historic ranger outposts on what was then known as the Absaroka National Forest (now known as the Gallatin National Forest/Yellowstone Ranger District). Several community members have recently related to me long histories of using this trail for a variety of recreational purposes. There appears to be consensus that you (or your agents) have attempted to deter public use of the Porcupine Lowline Trail, some say to create an exclusive benefit to hunting outfitters leasing your property.

In short, I would very much appreciate a face-to-face discussion as I want to give you the benefit of the doubt and understand your perspective. It is always my policy to try to resolve disagreements amicably before considering adversarial measures. If I do not hear back from you I will be left to assume that you have no interest in amicable resolution and that you would like me to work through your legal counsel Ms. Dringman.

Again, I hope this finds you well. My phone numbers in Big Timber and Livingston, respectively, are 406_932_5155 & 406_823_6066. I hope to hear from you and meet in person.

Sincerely,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Chloris Guth Zimmerman
95 Daisy Dean Rd
Wilsall, Montana
59086

COMPLETE THIS SECTION ON DELIVERY

Ned Zimmerman (son of C.)
called on 2/1/13 in
response to 1/30/13
letter & offered to
meet
Alex Sienkiewicz

2. Article Number





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Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: March 5, 2013

Ned & Chloris Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806

Dear Ned and Mrs. Zimmerman,

I hope this letter finds you doing well. Thank you for your voicemail yesterday Ned. I know how busy you must be during calving season, and very much appreciate your call. It sounds like you received the check-in voicemail messages I left on (2/1/13, 2/28/13, 3/4/13, & 3/5/13). I am still hoping we can resolve our differences re: the Porcupine Lowline Trail without the aid of lawyers. It sounds as if that is a possibility. I am definitely willing to come to Chloris' home at the assisted living facility at any time, and would be happy to bring a meal or warm beverages if that is desirable. I will assume that calving season is keeping you tied up for the time being, and will look to hear back from you in early April. In the meantime, I hope it is a bountiful March. My phone numbers are:

Big Timber: (406) 932-5155

Livingston: (406) 823-6066

Cell: (406) 930-2454

Cheers,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

(sent 3/5/13)



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Mark Miller</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Alan Lutes Sheriff Park County Montana 414 East Callender Livingston Mt 59047</i></p>		<p>B. Received by (Printed Name) <i>MARTHA MILLER</i> C. Date of Delivery</p>	
<p>2. Article Number (Transfer from service label) <i>7011 2970 0002 5362 4762</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>PS Form 3811, February 2004</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>		<p>Domestic Return Receipt 102595-02-M</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ <i>4.6</i>
Certified Fee	<i>3.10</i>
Return Receipt Fee (Endorsement Required)	<i>2.55</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>10.25</i>
<p>Sent To <i>Alan Lutes Sheriff - Park Co</i></p> <p>Street, Apt. No., or PO Box No. <i>414 East Callender</i></p> <p>City, State, ZIP+4 <i>Livingston Mt 59047</i></p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	





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Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: March 12, 2013

Alan Lutes
Sheriff
Park County, Montana
414 East Callender Street
Livingston, MT 59047

Dear Alan,

I hope this letter finds you doing well. Hopefully you and I won't have occasion to host any more wildfire meetings this summer! I am writing to keep you in the loop as to a national forest public access issue I am currently working on.

For approximately the last century, and perhaps much longer, a public trail known as the Porcupine-Lowline (AKA Shields-Lowline) has existed in the foothills of the Crazy Mountains. The Trail crosses both public and private lands and has existed and been continuously used by the public for a wide array of recreational and subsistence purposes for decades, if not centuries. Simultaneously, the U.S. Forest Service has actively and continuously invested decades of taxpayer funds into the signage and maintenance of the Trail. The Trail was used by turn-of-the-(last)-century forest rangers stationed in the Ibex, Porcupine, and other historic forest guard stations. These guard stations encircled the Crazy Mountain range—in what was then called the Absaroka National Forest. A 1937 printing of the Absaroka National Forest map hangs in the Ranger Station here in Livingston and clearly shows this public travel route, as well as the historic guard stations it connected.

Sometime in the past several years, private landowners (or their agents) whose land is crossed by the Trail deliberately and adversely blocked public access with gates, no trespassing signs, and orange blazes. Forest Service signs directing public use have been torn down. Attorneys have been involved in recent years, though this issue has not yet gone to trial. In short Alan, I am writing you to affirm the public's legal right to use the Trail at will (without requesting permission from any landowner). The public's use of this trail has been open, notorious, and continuous for more than a century; the Trail likely predates nationhood. Present landowners have attempted to block public access—many say to garner higher fees for hunting access on private lands. The Zimmermans are among landowners with whom we are currently seeking resolution of this issue. My hope is that no citizen would be mistakenly held subject to trespass complaints for use of this longstanding public right of way.

Please call with any concerns.

SINCERELY,

/s/ Alex Sienkiewicz

ALEX SIENKIEWICZ

District Ranger





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Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: March 13, 2013

Tribal Council
Crow Nation
P.O. Box 159
Bacheeitchche Avenue
Crow Agency, MT 59022

Dear Chairman Old Coyote and Tribal Council Members,

I am the Yellowstone District Ranger on the Gallatin National Forest; and am presently working on restoring a critical public access to the Crazy Mountains. I hope this letter finds you all doing well. Spring is slowly settling-in here in the western Yellowstone country. I am writing to seek your support as a sovereign nation; and as an important local community that maintains a long and storied connection to the Crazy Mountains.

For approximately the last century, and perhaps much longer, a public trail known as the Porcupine-Lowline (AKA Shields-Lowline) has existed in the foothills of the Crazy Mountains. The Trail crosses both public and private lands and has existed and been continuously used by the public for a wide array of recreational and subsistence purposes for decades, if not centuries. Simultaneously, the U.S. Forest Service has actively and continuously invested decades of taxpayer funds into the signage and maintenance of the Trail. The Trail was also used by turn-of-the-(last)-century forest rangers stationed in the Ibex, Porcupine, and other historic forest guard stations. These guard stations encircled the Crazy Mountain range—in what was then called the Absaroka National Forest. A 1937 printing of the Absaroka National Forest map hangs in the Ranger Station here in Livingston and clearly shows this public travel route, as well as the historic guard stations it connected.

Given the historic and spiritual significance of the Crazy Mountains to the Crow Nation, I assume that the Crow People also have a history of using this and other trails, that likely predates that of European-American settlers. Please correct me if I am mistaken.

Sometime in the past several years, private landowners (or their agents) whose land is crossed by the Trail deliberately and adversely blocked public access with gates, no trespassing signs, and orange blazes. Forest Service signs directing public use have been torn down.

Sent (with map)
via U.S. mail -

3/14/13



Could I trouble your Tribal Leadership to respond with a letter to me in support of restoring this critical public access to the invaluable public lands and resources in the Crazy Mountains? Any history of use to which you can speak would be useful. I would greatly appreciate this effort in support of restored access to your national forest lands in the Crazy Mountains. Last, do you have any other concerns or issues regarding the Yellowstone District of the Gallatin National Forest that I should be aware of? I would be happy to come meet with you at any time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Sienkiewicz', with a stylized flourish at the end.

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, March 28, 2013 6:13 PM
To: FS-pdl r1 gallatin yellowstone
Subject: Important-please read

Gang--Do NOT sign in to access the forest (Yellowstone RD) at ANY location on private land. If you would like a letter from me describing my directive to carry in the field, let me know. In short, signing puts public access rights at risk... DO NOT DO IT. One example is Sweet Grass Creek. I will say more next week.--alex



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Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: May 16, 2013

Chloris & Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806

Dear Ned and Ms. Zimmerman,

I began writing you last January and have left multiple phone messages as documented in previous correspondence. Ned responded to me once via telephone (4 March, 2013) promising he would get back to me in early April. This did not occur. The purpose of my communications has been to: 1) Affirm the existence of a public trail easement through your property (the Porcupine Lowline Trail) that has existed for more than a hundred years; and 2) Meet with you to hear your perspective on this matter. I would like to have a rational, neighborly discussion whereby we might avoid a legal dispute that is both costly to you as well as to the American taxpayer.

During the last century, the citizens of the United States have supported the public use and maintenance of this trail through their tax dollars as allocated to the Gallatin National Forest (and previously the Absaroka National Forest) by the United States Congress. I have done extensive research and interviewing of local citizens in the last year and have built a sizable file that I would be happy to show you. Forest Service maintenance of this trail continues despite the destruction of USFS signage and government property that has occurred.

The file includes trail maintenance records; testimony of long histories of use by citizens; historic USFS maps indicating the trail's existence going back a century or more; and communications records with each of you wherein acknowledge a public right of way through your property. I am receiving regular complaints about the locked gate across the public right of way at your property's edge; and am documenting each such complaint by requesting citizens to put their complaint in writing. While I hold no ill feeling toward you, I am entrusted by the American public to steward and protect their national forests. I am paid to do so and will not tolerate illegal actions that harm the public interest. Unless I hear from you in the very near future, I will refer this file to Law Enforcement and Investigations and/or the Office of General Counsel. Again, it is my sincere hope that we can talk this out as neighbors and fellow Montanans rather than getting lawyers involved.

Respectfully,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

sent 05/17/13

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United States
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Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: May 20, 2013

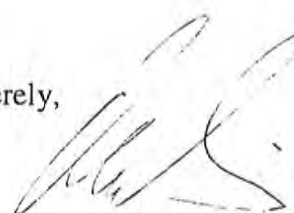
Ned and Chloris Zimmerman & Shareholders
95 Daisy Dean Road
Wilsall, MT 59806**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:**

Dear Ned and Ms. Zimmerman,

I hope this finds you both doing well and benefitting from these recent rains. Ned: thank you for your call to my cell phone this morning confirming receipt of my letter of 16 May, 2013. I do hope that our scheduled meeting of 3 June, 2013 comes to fruition. I very much look forward to listening to your perspective and meeting the other *shareholders* of your ranch (as you described them). I also look forward to articulating the concern that many members of Livingston and Park County have expressed to me at the closure of their trail system so many have used since childhood. I will bring many such testimonials to show you at our upcoming meeting. I can also describe and show you historic documents that date back a century or more.

With open minds (and perhaps some coffee!) we will be able to find a way to move forward together in a mutually agreeable manner that does not require adversarial measures and/or lawsuits.

Sincerely,


/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger
SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Ned & Chloris Zimmerman
& Shareholders
95 Daisy Dean Rd
Wilsall, MT
59806*

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Ned Zimmerman☐ Agent☒ Addressee

B. Received by (Printed Name)

Ned Zimmerman

C. Date of Delivery

*5/24/13*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes2. Article Number
(Transfer from service label)

7011 2970 0002 5362 4809



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, June 03, 2013 6:17 PM
To: Erickson, Mary C -FS; Dennee, Robert -FS; McFarland, Elizabeth A -FS; Gardner, Pam -FS; Oswald, Lauren M -FS; Cifala, Frank -FS; Kempff, Jonathan C -FS; Urie, Wendi -FS
Cc: Sienkiewicz, Alex -FS
Subject: Meeting with Zimmermans: Porcupine Lowline Lost Access 3 June, 2013

This E-mail serves as documentation of an in-person discussion on 06/03/2013 with the "shareholders" of the Zimmerman Ranch, through which the Porcupine Lowline and Elk Creek Trails run. I am writing this note at 5:24 PM, immediately following the meeting.

Attendees:

- Alex Sienkiewicz—USFS/Yellowstone District Ranger/GNF
- Ned Zimmerman—Shareholder
- Cindy Zimmerman—Shareholder
- Caitlin Zimmerman—Shareholder
- Dave Laubach—Lessee of hunting rights on Zimmerman Ranch and Neighbor/Member of "Hunting Club"
- Henry Tashjian—Zimmerman Neighbor (retired County Police)

I opened the meeting welcoming the attendees, and noting that I had invited them to meet, so as to respectfully listen to their perspectives and to share my own perspective in person. I noted that I considered them neighbors and that while

I considered their closure of a longstanding public trail illegal, I noted that we also needed to seek a solution if at all possible.

I also noted that they held a grazing permit on the District, and that we would be working together in the long term independent of the trail dispute.

I listened for about half an hour as Ned Zimmerman (son of Chloris) mentioned that the 2006 Travel Plan and its allowance of motorized vehicles on the Porcupine Lowline Trail "pushed him over the edge," and it was then that they decided to shut off access. He noted that the Travel Plan's allowance of motorized use made them angry as people would drive off-trail on his ranch and disturb his cattle. I asked Ned how often this happens, and he said about once a summer. I asked Ned if it still happened, despite the locked gate, and he and Henry Tashjian noted yes it did, that people simply go around the fences and gates now to access the area. Dave Laughbach noted that the Lowline Trail only accesses one section of public land. I responded that many do not own ranches and that one section of public land was theirs to access. I also noted that if one followed the trail on down to Rock Creek, one could access hundreds of thousands of acres. Ned continued that to have the trail basically ruins their land and Ned noted "I might as well move to Alaska." I asked how long the land had been in their family. Ned noted since 1950 or so. I responded that the trail had been on the land for 100 years or more and that it pre-dated the family's ownership of the land. I then showed them the 1937 Absaroka National Forest

map that hangs in our hallway, which shows the trail. The summary of the Zimmermans' perspective is that they didn't like having the trail on the property, and did not like the 2006 Travel Plan, so they simply shut off access by fencing and gating. They noted that the trails at issue have been in different places through the years...I responded that if this were indeed true, it did not alter my assessment of the situation—that the access to the National Forest had been continuous...the meandering trail does not undermine the legal principles at play. I also noted that it was my perspective that when a prospective landowner buys a property next to or burdened by public lands...that it is the buyer's responsibility to understand the implications of doing so...buyer needs to beware. Thus the closure of a trail because of dislike of a longstanding public use is not acceptable or legal.

I explained my perspective, that the USFS/Government has a longstanding legally-valid easement by virtue of OPEN, NOTORIOUS, CONTINUOUS, UNINTERRUPTED, (& ADVERSE) public use that extends back a century or more—independent of whether this easement has been "perfected." I showed them my files, including maps, testimony of local citizens and former USFS employees, trail maintenance records, and so forth. I explained that if we could negotiate some alternate scenario that maintained the same level of access, that we could all save much time and money. I noted again, that I did not take their actions personally, but that I considered their closure of the gate illegal, and that I would continue to compile records and seek new testimonials and affidavits if necessary. All were civil, though Henry Tashjian lapsed into disrespectful comments—noting after reading Dale Sexton's testimonial on historic use "That's that asshole bike guy..." and (to me) "those are the people you work for..." Henry also noted that if he caught me up there he'd have the Sheriff arrest me. I noted to Henry that such statements did not scare me and noted that I respected his opinions and that I expected him to respect mine. He eventually stopped making inflammatory comments.

After approximately an hour and a half, we parted company in good spirits. I noted that it was my observation that they had outlasted previous District Rangers and that it had taken me half a year or more to get a meeting with them. I noted in a non-threatening way that I would not stop working on this issue if I did not hear back from them; and that at some point, if we did not have an MOU agreeing to seek non-adversarial resolution, that I would be forced to advocate for adversarial measures. Ned noted that he would consult with his attorney and get back to me.

/S/ Alex Sienkiewicz 3 June, 2013 6:12 P.M.

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

YELLOWSTONE RANGER DISTRICT LIVINGSTON OFFICE SIGN IN & SIGN OUT RECORD

PRINT NAME	DATE	TIME IN	TIME OUT	AFFILIATION (FS, PERMITTEE, ETC)	VISITING WHO
John Chepulis	5/15/2013	8:15	9:00	Back Country Permitter	NAT Hickman
LARRY STADS	5/15/13	8:50	9:10	Permitter	Chauy Tell Rock
R. Birmingham & Ryan Courts		8:20	9:10	"	C Rock
AL DeMars	5/16/13	3:10	3:30	Rainbow People	Alex
KEN BAKER	5/16/13	4:10		Rancher?	Alex
GARY L. FISHER	5-20-13	10:50	10:50	Hate open-shield	Lauren
DAVID GOTTSCHE	5-20-13	1:45	2:00	Local	Rachel
Alexia Cochrane	5/21/13	11:00	11:25	Cochrane Consulting	Rachel
Dr	5/21/13	3:40	4:10	Mining	Alex
DAVID RODWELL	5/22/13	10:20	10:53A	Resident	Alex
DALE GRAFF ⁽⁴²⁾	5-28-13	9:30	16:00	FS-Survey	Chauntelle
"	5-29-13	8:15		"	"
-JOE ROCK + 3	5-29-13	10:18	11:00	JUMPERS	CMR
Ryan Malone	5-31-13	8:30	8:50	Grazing permit	Chauntelle (phone)
David Libby	6/3/13	10:15	10:24	"	Chauntelle
J. Josephson	6/3/13	11:05	2:30		Lauren
David Cornwell	6/3/13	2:15	4:45	Wildlife	Rachel
Candice Zimmerman	6/3/13	4:15	5:24	Trail	Alex
Ned Zimmerman	6/3/13	4:15	5:24	Porc-Lowline	"
Caitlin Zimmerman	6/3/13	4:15	5:24	Trail Access	"
Dave Haubach	6/3/13	4:15	5:24	Dispute:	"
HENRY TASHJIAN	6/3/13	4:15	5:24	Alex	"



SENDER: COMPLETE THIS SECTION

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- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ned Zimmerman
95 Livingston Rd
Wilket, NY
59806

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature] ☒ Agent ☐ Addres

B. Received by (Printed Name) *[Signature]* C. Date of Deliv

[Signature] *8/2/19*

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☒ Return Receipt for Merchant

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from service label) 7012 1640 0000 1387 6701



United States
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Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: July 31, 2013

Mr. Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806

Dear Ned,

Thank you for calling me on 17 July to note that you would be interested in discussing restored access on Trail 195 to Campfire Lake (which is a spur that leads into the Crazies from the Porcupine-Lowline Trail Trail #267). Thank you also for your FOIA request for the files I am keeping on these trails. Hopefully the documents are in your hands at this juncture.

My hope is that we can, indeed, begin a conversation to restore access to these public rights of way into and across the Gallatin National Forest. I am still receiving calls and e-mails from frustrated citizens (not only locally, but from distant cities and communities) who are irate at the loss of access to their National Forest Lands, and the publicly-owned resources and wildlife on those lands. I am actively recruiting citizens who would be willing to testify to a long history of public use on the trails at issue should the need arise. Momentum to "take action" is building as the word spreads through the community. When citizens call, I emphasize that the Porcupine-Lowline and Campfire Lake Trails are legally-valid public rights of way that have existed for more than a century; and that their closure is illegal. I am also emphasizing that there is a hunting lease on your private land abutting the National Forest and that there are multiple stakeholders in your party with "monetary incentives" to prevent public access. These trails predate—(by far)—your parents' purchase of your property in 1955. Please know that I will persist in my fight to restore and protect these public rights that have existed for more than a century. Please consider sitting down with me to discuss restoration of public access on these age-old trails. I will be ramping-up my efforts if I feel we are not making progress toward restored access. I am also working to educate the Crow Tribe on your actions. Did you know that the Crow Tribe consider the Crazy Mountains to be their sacred ground; and that the beloved Chief Plenty Coups went from the Elk River Valley (AKA: the Yellowstone) into the Crazy Mountains on his vision quest? I am committed to doing everything within my legal authority to prevent misappropriation of public lands and the wildlife thereupon. Please consider amicable resolution to this problem. You have my commitment to fastidious management of these public trails in the case that you cease and desist in your illegal actions.

Respectfully,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger





United States
Department of
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Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: July 31, 2013

Park County Commissioners
414 East Callendar Street
Livingston, MT 59047

Dear Jim, Marty, & Clint,

I hope this letter finds you folks doing well. I have been busy overseeing management of the Emigrant Fire Incident; but I wanted to take a moment to inform you of a critical issue I am working on.

For more than a century, the Porcupine-Lowline Trail (Trail #167) has crossed both private and public land in the foothills of the Crazy Mountains. From the Lowline Trail run various spurs into the mountains, including Campfire Lake Trail (Trail #195). These Trails are noted on U.S. Forest Service maps that are decades old. The Lowline Trail served as a connector Trail for historic Forest Guard Stations (now rental cabins) such as the Ibex and Porcupine cabins. For more than a century, taxpayers from across the Nation have supported the upkeep and maintenance of these public trails through U.S. Forest Service budget allocations from Congress.

Since my appointment to the Yellowstone District Ranger position, I have received numerous calls and complaints of locked gates and fences across the aforementioned trails. The Zimmerman family, their hunting leaseholder, Dave Laughbaugh, and a neighboring landowner, Henry Tashjian, are all involved in the illegal closure of a centuries old trail system.

The Federal Government's position is that these trails are legal public rights-of-way. The Zimmermans and others have illegally shut-off access in a selfish profit-motivated manner that tramples on Montana's mountain heritage and tradition. The behavior of these few who own ranches abutting the publicly-owned Gallatin National Forest robs all other citizens of their birthright to access their American public lands system. I have spoken with dozens of citizens who grew up hunting, fishing, climbing, and motor-biking on these trails and in the Crazy Mountains—and they are both irate and deeply saddened at the un-American selfishness of public lands abutters who've shut-off age old trails and access points.

The un-American act of shutting-off longstanding public access to public lands has become epidemic. It is not only selfish and greed-based; but contrary to the many values we hold dear in Montana. This letter is, in-part, to inform you of the dispute between the public at large and the Zimmermans, and co.; but also, I seek your support in restoring the public access to Montana's mountains that has existed for centuries and certainly predates Anglo-American settlement. I am happy to discuss this further at any time. I am eager to hear—Jim, Marty, & Clint—how you might support the public we serve by collaborating in my efforts to protect the broad Montana public's mountain heritage in the Crazy Mountains.



As men who grew up here, you can undoubtedly recite long lists of trail, stream, and mountain access points next to publicly-owned national forest or river-bottoms that are now either contested or shut-down. I hope we can work together on this deeply disturbing problem that threatens the Montana way of life.

Sincerely,

/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger

Sienkiewicz, Alex -FS

From: Dennee, Robert -FS
Sent: Thursday, July 18, 2013 8:46 AM
To: Monaco, Angie -FS; LODINE, MARK - OGC
Cc: Adams, Guy H -FS; Sienkiewicz, Alex -FS; McFarland, Elizabeth A -FS; Christiansen, Steve -FS
Subject: FW: Foia request

Angie...and Mark...
Cc: Steve...

Want to give a heads up that Alex Sienkiewicz, Yellowstone District Ranger, Gallatin NF, recently rec'd an e-mail FOIA request from a landowner/rancher, Ned Zimmerman, regarding the Porcupine – Lowline Trail on the Gallatin NF. Large portions of this historic NFS trail cross private lands on the west side of the Crazy Mountains – this is a longstanding issue.

The FOIA request is a short e-mail. It is not clear if landowner is requesting ALL agency files re: this NFS Trail, or only the District files.

NOTE: In the past, attorney Hertha Lund has represented this landowner, but it does not appear that she is involved in this FOIA request.

We realize all compiled FOIA documents must be submitted to RO FOIA Coordinator, Angie, for review by RO/OGC, before any docs are released...

Please advise us how to approach this request. thanks...Bob

Bob Dennee
Team Leader, East Side Lands Zone
c/o Gallatin National Forest
office: 406-587-6914, cell: 406-579-3011
E-mail: rdennee@fs.fed.us

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 18, 2013 8:23 AM
To: Ping, Barb -FS; Christiansen, Steve -FS
Cc: Dennee, Robert -FS
Subject: Fw: Foia request

I have a file I've been keeping and can work on this request--Steve--I'll call you.
Alex Corbly Sienkiewicz
District Ranger
Yellowstone District

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, July 17, 2013 6:28 PM
To: Oswald, Lauren M -FS; Dennee, Robert -FS; McFarland, Elizabeth A -FS; Barndt, Scott A -FS
Cc: Erickson, Mary C -FS; Bolte, Bradley -FS; Tripp, Shawn -FS
Subject: PorcupineLowline/Campfire Lake (267/195)/guest editorial

Gang—I realize that Porcupine Lowline is not your priority/ that of the GNF right now.

But I continue to work on it and wanted to give you an update.

Ned Zimmerman (primary contact for the Zimmerman family) left a voice message for me today. Ned said that he is willing to begin discussions with me about re-opening trail 195 that goes up Elk Creek to Campfire Lake in the Crazies; but as far as the Porcupine Lowline Trail, they don't want to see that open. This is partially positive-partially not. I will continue to work with Ned on Elk Creek, and Porcupine Lowline will remain a separate discussion for the time being.

Now, please tolerate an editorial:

The way the government **should** handle these public lands lockouts by private entities is by immediately prepping to sue and taking it to court if needbe. The Crazy Mountains have basically been appropriated by a bunch of landed rancher-outfitter business men (and a multinational corporation), because the USFS has not sued to protect and perfect public interests. MOREOVER, the public wildlife on this land has been appropriated by these same people and their "hunting clubs." These lockouts are a GOLDEN opportunity to SUE and PERFECT public rights. We are missing the boat...

This omission on our part undermines the heart of the USFS Mission. The failure to act is less a lands problem, but rather a leadership problem associated with our failure to file suit in the courts. We should not be negotiating in most of these situations (as we sometimes spend our lands budget doing). Doing so is akin to negotiating with terrorists. We should be suing. This is exactly how the State of MT handled their latest lockout to state lands.

Our failure to sue to protect the public interest is a failure of leadership at all levels. I realize budgets are what they are, but lawsuits of this nature are NOT that difficult—establishing a prescriptive easement is 4 elements---that are fairly straightforward. We should be on the attack in all of these scenarios. Mary—can we not elevate this epidemic issue of access loss? We should be pushing to file statements of interest on all of our lost access cases... we need to be pushing on the RO and OGC and DC to support more aggressive action rather than frittering away the very marrow of the public lands idea...Can we not put the ball in OGC's court by filing statements of interest (a one page document) on the many access points we've lost and are actively losing by omission? We should not be afraid of conflict here (*"Aggressive Fighting For The Right is the Noblest Sport the World Affords"* –TR ;-)

http://missoulain.com/news/state-and-regional/official-landowner-needs-to-unlock-gate-that-leads-to-helena/article_bc54ca5a-46f4-11e2-9fc7-001a4bcf887a.html

The statement by the DR at the end of the above article is a crying shame...essentially, we're too busy, so we're giving away the national forest...we're all essentially doing the same thing by failing to sue...

-_Alex

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 Big Timber
(406) 823-6066 Livingston
(406) 930-2454 Cell



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: July 31, 2013

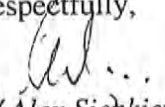
Mr. Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806

Dear Ned,

Thank you for calling me on 17 July to note that you would be interested in discussing restored access on Trail 195 to Campfire Lake (which is a spur that leads into the Crazies from the Porcupine-Lowline Trail Trail #267). Thank you also for your FOIA request for the files I am keeping on these trails. Hopefully the documents are in your hands at this juncture.

My hope is that we can, indeed, begin a conversation to restore access to these public rights of way into and across the Gallatin National Forest. I am still receiving calls and e-mails from frustrated citizens (not only locally, but from distant cities and communities) who are irate at the loss of access to their National Forest Lands, and the publicly-owned resources and wildlife on those lands. I am actively recruiting citizens who would be willing to testify to a long history of public use on the trails at issue should the need arise. Momentum to "take action" is building as the word spreads through the community. When citizens call, I emphasize that the Porcupine-Lowline and Campfire Lake Trails are legally-valid public rights of way that have existed for more than a century; and that their closure is illegal. I am also emphasizing that there is a hunting lease on your private land abutting the National Forest and that there are multiple stakeholders in your party with "monetary incentives" to prevent public access. These trails predate—*(by far)*—your parents' purchase of your property in 1955. Please know that I will persist in my fight to restore and protect these public rights that have existed for more than a century. Please consider sitting down with me to discuss restoration of public access on these age-old trails. I will be ramping-up my efforts if I feel we are not making progress toward restored access. I am also working to educate the Crow Tribe on your actions. Did you know that the Crow Tribe consider the Crazy Mountains to be their sacred ground; and that the beloved Chief Plenty Coups went from the Elk River Valley (AKA: the Yellowstone) into the Crazy Mountains on his vision quest? I am committed to doing everything within my legal authority to prevent misappropriation of public lands and the wildlife thereupon. Please consider amicable resolution to this problem. You have my commitment to fastidious management of these public trails in the case that you cease and desist in your illegal actions.

Respectfully,


/s/ Alex Sienkiewicz
ALEX SIENKIEWICZ
District Ranger





United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Yellowstone Ranger District
Livingston Office
5242 Highway 89 South
Livingston, MT 59047

File Code: 5460

Date: August 16, 2013

Mr. Ned Zimmerman
95 Daisy Dean Road
Wilsall, MT 59806 086

Dear Ned,

Thank you for your letter of 12 August, 2013. I appreciate your candor, and welcome your inclusion of members of the Montana Delegation to Congress as well as your Counsel in this conversation. I would indeed like to discuss restoring unhindered access to Trail (#195) up Elk Creek to Campfire Lake. If you and your neighbors continue to attempt to block access across the Porcupine-Lowline Trail (#267); we can agree to disagree on that front for now, but perhaps we can broach that issue at a later date as we make progress on Trail 195 discussions.

Because this dispute might sometime require formal adjudication, I will address the points you raise in your letter individually.

- I appreciate that you are committed to being a rancher. It is largely because of the open landscape and rural culture that I love Montana. It is safe to say that you and I share this value—as do many of our neighbors and fellow Montanans. I want you and all of our State's ranchers to be successful in your chosen vocations. I imagine your ability to graze cattle on the public's national forest ground adjacent to your ranch plays a significant role in your success as a rancher. Thus, it troubles many members of the public that you would attempt to block age-old public trails.
- I appreciate that you acknowledge the longstanding public Trail blazes on Trails 267 and 195. Many of these blazes have existed for decades and are depicted among photographs submitted by local citizens that I recently sent you. These blazes illustrate that these Trails have always followed a definite and fixed course. To the extent you, your hunting lessee, and neighbors have destroyed Government signage and blazed trees; you have deliberately and adversely attempted to stymie public use and taxpayer-supported Government Trail maintenance. The results of which would certainly include accidental trespass by members of the public who inadvertently wander off the Trails at issue. Your efforts to remove signage and blazes indeed increase the likelihood of trespass; but this does not change the fact that the Trails at issue (267 & 195) have always followed a definite and fixed course. In short, the Forest Service has never "moved" the Trails that cross your property. To the extent there has been trespass, this has been facilitated by your destruction of Government signage.



- You note that over the last century, various Forest Service maps show the Trails in different places. This is not true. The Trails have always followed a definite fixed course. To the extent the depiction on maps may vary by some minute increment is merely an artifact of changing technology over the years. You will recall the 1937 map of the Absaroka National Forest that hangs on the wall in the Livingston Ranger Station. This map was based on ground surveys and was hand-drafted. The same would hold for other early maps. As technology has changed, mapping has become more precise. If you would remove your barriers to access, we could GPS and satellite-map the entire system and provide greater clarity for public land users. This would also deter trespass. Importantly though, representations on maps do not change the fact that these Trails have always followed a definite fixed course. Moreover, when you attempt to prevent public and Government access with gates and destruction of signage, of course, this results in a lack of clarity on the ground.
- If you, the Guths, and your hunting lessee would remove the gates you've installed across the Trails; the Forest Service would be willing to GPS the precise Trail locations, re-sign them, and discuss any maintenance and signage that would reasonably serve to deter trespass. (I have attached an example of a letter I have posted to help protect another abutter's private property rights in the Boulder Drainage.) If you agree to remove the gates you have placed across the Trails, I will overlook your destruction of Government property and simply replace all signage and blazing at no cost or penalty to you. I will also post letters discouraging trespass such as that example which I've herein attached.
- In your letter you relate several anecdotes of continued public use of Trails 267 and 195, including your discussion of motorcycle use in August 2013. This public use has continued and will continue. Indeed, I continue to send USFS employees across Trails 267 & 195 to maintain them and observe use patterns. I also emphasize to members of the public that legally-valid public trail easements exist for Trails 267 & 195. Notably, your deliberate removal of signage and locking of gates across the Trails is not conducive to effective management of those same Trails.
- You note, Ned, that your private property signs have been torn down in the past. This reaction by members of the public to your locking them out of their public lands is not, in my opinion, surprising. Your frustration with this behavior is somewhat puzzling to me as you, the Guths, and your hunting lessee have simultaneously destroyed public trail signage. I would propose, Ned, that you and I exercise leadership by posting joint-signage that both respects public access rights while also discouraging trespass and protecting your private property rights. Again, if you remove your barriers to public access, I will personally post appropriate Government signage and letters discouraging trespass.
- You mention past trespass by hunters. While trespass is a matter of state law and is not the jurisdiction of the Forest Service; I would certainly be willing to do whatever I reasonably could to protect your private property rights...but again, when Government signage, boundary markers, and blazes are destroyed, you are inviting the very trespass that you and your colleagues are blaming on the Forest Service. You undermine your own arguments by your very actions of destroying Government signage. You now lease your land abutting national forest to a private hunting club. Have you considered the possibility of receiving similar revenues through mechanisms such as the State's Block Management Program, whereby you would remove the perverse monetary incentive to block public use of their own Trails and lands?

- Many of our tensions here, Ned, seem to center on long-standing public uses of public Trails and the national forest land adjacent to your ranch. You mentioned when we met, that the 2006 Travel Plan “put [you] over the edge and [you] decided to lock out the public.” I believe the doctrine of “buyer beware” is apt. When one buys land adjacent to national forest, he is then—for all intents and purposes—neighbors with all citizens of the United States. If your parents, and now you, were not aware of all that occurs (or could occur) on national forest land and Trails; it certainly does not give you the right to lock-out the public from their public lands. Moreover, your frustration with violations of state law (trespass) by members of the public does not give you the right to run roughshod over the peoples’ right to access their national forests.
- As to the Crow Tribe’s ancestral uses of the Crazy Mountains, I would let Tribal Leadership speak for itself as to its perspective on the illegal closure of public access into the Crazy Mountains. In a recent conversation with a Tribal Legislator, I was told that the issue is now being discussed in committee. I will keep you informed as to what I learn. I will be hosting a group from the Crow Reservation soon and intend to visit with them in the Porcupine Lowline area.
- In your closing, Ned, you knowingly spin the issue at hand. I do not support the right of the public “to play on your property without permission.” Indeed, I do not condone or support trespass. The issue, Ned, is that you and your colleagues are actively and adversely trying to destroy public property rights that have existed for centuries. The public should not suffer for your parents’ failure to do their due diligence as to the benefits and burdens of living next to public land. I am trying to persuade you and your colleagues, Ned, that the public has valid legal rights that exist independent of your opinion or mine so that we can all avoid a protracted and costly legal dispute.

Ned: I truly want to work with you. I respect you and your perspective; but this does not relieve me of my duty to serve the greater public interest. Again, I respectfully ask that you and I sit down and work out these issues as neighbors and fellow Montanans. If access to these Trails is restored, I promise to do everything within my power to support your private property rights and curb trespass. But to do so, the barriers to public access need to come down.

Respectfully,

*(sent U.S. Mail)
certified*

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*Ned Zimmerman
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Wilson Mt 59086*

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1. MAIL

*Ned Zimmerman
95 Daisy Deard
Wilson Mt
59086*

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102595-02-M-1541

2012 1640 0000 1387 9535

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, January 08, 2014 8:43 AM
To: Erickson, Mary C -FS; Dennee, Robert -FS; McFarland, Elizabeth A -FS; Oswald, Lauren M -FS
Subject: FW: Porcupine-Lowline Trail

Good Morning,

Below is Ned Zimmerman's response re: Porcupine-Lowline...

Somewhat good news ...
Ned would like to give amicable discussions one last shot.

I believe Ned will propose re-opening access up Elk Creek to Campfire Lake ...but not on the Lowline trail as it runs south. Part of the reason Ned may be proposing this limited restoration of access is that the Lowline runs through other private ownerships that are completely unwilling to budge (Guth/Henry Tashjian). At the meeting I had last year, the owner to the south was an openly hostile anti-government type (despite being a retired police officer)(see my notes from that meeting).

I think Ned sees that the public has a very strong case for prescription. He bolstered our case by documenting adverse use as recently as last summer in his recent letter to me. I believe, still, that we need to aggressively fight this closure. For many years, the whole community has observed these owners shut-out the public, with no substantive resistance from the USFS. By substantive, I mean legal. This behavior on the part of privateers emboldens others to fight public lands and access. These types are further emboldened by PEER, PERC and other ersatz-academic, anti-public lands groups in Bozeman and elsewhere.

I understand this is still not a priority for us given limited resources. But I hope as Cherry Creek winds down, this case rises to priority level. Know that landowners with anti-public lands tendencies are watching this case from Bozeman to Billings...

Thanks--Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 BIG T
(406) 823-6066 LIV
(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

From: Sienkiewicz, Alex -FS
Sent: Wednesday, January 08, 2014 8:23 AM
To: 'Ned Zimmerman'
Subject: RE: Porcupine-Lowline Trail

Great—that would be good Ned.

Have a good week--Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Gallatin National Forest
(406) 932-5155 BIG T
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(406) 930-2454 CELL

“...old trees just grow stronger, and old rivers grow wilder every day...”
--John Prine

From: Ned Zimmerman [<mailto:znccattle@gmail.com>]
Sent: Wednesday, January 08, 2014 8:22 AM
To: Sienkiewicz, Alex -FS
Subject: Re: Porcupine-Lowline Trail

Dear Alex,

I want to try one more time to see if we can work something out. I would like to have our attorney present when we meet. Hopefully we can meet sometime in the near future. I will be in touch with you after I have visited with her about a list of possible dates that may work for us to meet. I'll try to be prompt.
Ned

On Tue, Jan 7, 2014 at 3:37 PM, Sienkiewicz, Alex -FS <alexsienkiewicz@fs.fed.us> wrote:

Ned—Happy New Year. I've been writing letters to you for a year or so, and feel like we've not come too far. I had not wanted to push our different perspectives up my chain of command, but am feeling it may be time to do so.

Before I arrange to meet with my supervisor, I wanted to ask one more time if you saw any opportunity for common ground...

Hope all is going well for you and your family.

--Alex

Alex Corbly Sienkiewicz

District Ranger

Yellowstone Ranger District

Big Timber & Livingston, MT

Gallatin National Forest

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"...old trees just grow stronger, and old rivers grow wilder every day..."

--John Prine

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Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Tuesday, January 07, 2014 3:37 PM
To: 'Ned Zimmerman'
Subject: Porcupine-Lowline Trail

Ned—Happy New Year. I've been writing letters to you for a year or so, and feel like we've not come too far. I had not wanted to push our different perspectives up my chain of command, but am feeling it may be time to do so.

Before I arrange to meet with my supervisor, I wanted to ask one more time if you saw any opportunity for common ground...

Hope all is going well for you and your family.

--Alex

Alex Corbly Sienkiewicz
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"...old trees just grow stronger, and old rivers grow wilder every day..."

--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Wednesday, February 12, 2014 3:18 PM
To: Erickson, Mary C -FS; McFarland, Elizabeth A -FS; Kempff, Jonathan C -FS; Oswald, Lauren M -FS; Benson, Chad W -FS; Cifala, Frank -FS; Dennee, Robert -FS
Subject: Summary of 12 February, 2014 Porcupine-Lowline Meeting

This email provides a summary of the 12 February meeting regarding disputed access on the Porcupine-Lowline and Campfire Lake Trails (#267 & #195-Yellowstone RD-west side of Crazies).

In attendance:

FS

Alex Sienkiewicz

Frank Cifala

Bob Dennee

Stakeholders

Ned Zimmerman

Cindy Zimmerman

Dave Laughbaugh

Hertha Lund-Attorney

Breeann Johnson-Attorney

Alex introduced topic of discussion. Expresses that in the 2 plus years he's been YDR, there has been little progress in solving the problem of disputed access on the trails at issue. Alex expresses strong need to push the issue up the chain of command and advocate for litigation to restore public access UNLESS an amicable solution can be negotiated. Alex notes that he respects Ned and his perspective, and would rather not pursue litigation. Alex notes that parties appear to disagree as to where the legal rights and obligations fall among parties, but wonders if there is any common ground whereby the parties could avoid costly adversarial proceedings and come to an amicable solution.

Hertha notes that client would be willing to re-open trail up to Campfire Lake, but is not interested in restoring access to the Lowline Trail. Hertha notes that their position is that there is no public easement/ROW. Alex notes that FS' position is that there is indeed a public easement (not yet perfected). Alex notes to Hertha that he respects her client's position. Bob confirms. Hertha appears to have Bob Dennee's affidavit to this general issue (unperfected easements) from a past case in her file.

Alex discusses FS chain of command and authorities and notes that he lacks the authority to dispose of property rights; but that if he did have such authority, he would not support "giving-up" the Lowline Trail. Alex discusses the public sentiment he's heard...how people have grown up using those trails and how they've existed and have been used for decades. Explains that Lowline is among few easily accessible to youth and elderly and passes through low, rolling terrain-unlike most of GNF. Ned offers that he is willing to grant "permissive" access up #195 to Campfire Lake. Alex notes that "permission" is a non-starter, as this suggests an absence of public rights/ROW.

Alex and Bob discuss Bob's work on S. Crazy LEX and emphasize a desire to explore amicable solutions. Discussion goes to re-location of Lowline Trail onto Forest where terrain would allow. Alex notes that any solution would need to clarify and document allocation of legal rights and Responsibilities so as to solve the problem for posterity. Bob raises issue of travel management. Conversation goes to restoring all trail access, but making trails non-motorized. Bob notes that this is a Mary level decision and would require some NEPA. Ned seems interested in this possible compromise. Hertha Lund seems less inclined to support such a compromise.

Alex inquires to Dave Laughbaugh's role in the discussion. Dave notes that he is a hunting outfitter on the private land at issue.

All parties agree to take walk on ground in May and discuss feasibility of partial or complete trail relocation in May or June. In the meantime all will be in contact and continue to brainstorm solutions. Ned notes that he must talk to other shareholders in the ranch and see if they'd even be willing to compromise. Alex notes politely to Ned that Henry Tashjian (Guth) was somewhat rude and belligerent last meeting and that a solution is more likely absent such behavior. Ned acknowledges as much. Meeting ends with pleasantries.

ACTION

Alex will be in contact with Ned and Hertha in next few months, and if they are still willing, plan for a walk Out on the ground in spring....

(Written by Alex Sienkiewicz---12 February, 2014 1500 mountain time.)

Alex Corbly Sienkiewicz

District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
Custer-Gallatin National Forest
(406) 932-5155 Big Timber
(406) 823-6066 Livingston
(406) 930-2454 Cell

"Old trees just grow stronger, and old rivers grow wilder every day." --John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, April 28, 2014 9:40 AM
To: 'Ned Zimmerman'
Cc: Hertha Lund (Lund@Lund-Law.com)
Subject: RE: trail to Campfire

Thank you for the note Ned. I hope spring is going well for you.
...and you as well Hertha.

If I understand your note, Ned, you are clearly stating that collectively,
there is no willingness to un-block the Porcupine Lowline Trail among
ALL affected landowners.

I need to understand this, because this will affect the manner by which
prospective legal action could play out.

In other words, if you support restoring access on the north side of the Porcupine
Lowline Trail, I suggest you do so (unlock the gate) and let other landowners pursue their own
interests separate from you. If it is both sides of the trail that remain blocked,
then all offending landowners are implicated.

In short, I think it would be wonderful to take a walk out on the land to explore the
possibility of a re-route, but I have no authority (or interest) in relinquishing public
rights on a 100 year old Trail (Porcupine Lowline).

As a public servant and trustee of the public domain, I am sure you and Ms. Lund understand
my position.

Respectfully,

Alex

Alex Corbly Sienkiewicz
District Ranger
Yellowstone Ranger District
Big Timber & Livingston, MT
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(406) 930-2454 CELL

"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, June 05, 2014 7:34 AM
To: 'Ned Zimmerman'
Cc: Hertha Lund (Lund@Lund-Law.com)
Subject: RE: Trail 195

Thanks for the note Ned. I do appreciate that you and I have always been able to communicate man to man. I respect you for that.

I really would like to meet with you (again) regarding Trail 195 to Campfire Lake. I am happy to do so despite our continued disagreements.

I'll emphasize though that the nature of the Forest Service's "unperfected" easements is such that there is a legal public trail easement across Trails 195 and 267. So I must RE-emphasize that those trails are as much Forest Service/Public easements as the surrounding land is Yours.

- The trails have existed for more than a century
- They exist on the earliest maps of these public lands units
- They connect 2 historic guard stations
- There are records of publicly-funded of maintenance going back decades (U.S. tax dollars)
- There is continued public use, as you acknowledged in your letter to me last year
- You shut of access because you didn't like the 2006 travel plan as you acknowledged in our meeting
- that your parents failed to understand the implications of buying next to the national forest in the 1950s does not justify your deliberate actions to lock-out the public
- You have leased your property out to a hunting outfitter and competition from the public owners Of the national forest is not desirable to you.
- Public citizens continue to ask me why they have been locked out of this 100 year old trail system

To reiterate, the Forest Service has a LEGAL property interest in those trails. Thus, to the extent you are either preventing access with your locked gate or selectively letting people through, I construe this as an illegal act...not dissimilar from putting a gate across I-90 and selectively allowing or dis-allowing passage through the gate.

If it were exclusively up to me, I would file a lawsuit to restore access today. This because I believe we've exhausted all possibility of amicable resolution and that you and the other stakeholders are deliberately stretching out the discussion under (prudent) advice of your counsel, knowing that there is a limited window of opportunity for the Government to protect these long-established public rights.

Last, I've blind copied several colleagues so they are aware of where we are in the process. The notion that we can simply Continue to "work on this" indefinitely would constitute a failure to fulfill my obligations to the tax-paying American public.

Respectfully,

Alex

Alex Corbly Sienkiewicz
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"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

From: Ned Zimmerman [<mailto:znccattle@gmail.com>]
Sent: Thursday, June 05, 2014 6:25 AM
To: Sienkiewicz, Alex -FS
Subject: Trail 195

Alex,
I'd still like to work on trail 195 with the Forrest Service, but I think that we're going to leave the gates locked, allowing access on a permissive basis, until we have resolved all the issues regarding public access to our land. If there is a possibility to have a meeting on the land please send me an email.
Ned

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Tuesday, July 01, 2014 6:09 PM
To: Oswald, Lauren M -FS; Falvey, Jessica A -FS; Bolte, Bradley -FS
Subject: RE: Access in the Crazies

Hi Jes—I would add that as far as access—you can tell anyone who asks that the Porcupine Lowline/Elk Creek (Trails 267/195) are public trails and have been illegally closed by neighboring Landowners...In other words, you need not ask anyone for permission, but you be approached... By Ned Zimmerman or Dave Laughbaugh (outfitter)...You can tell them what I've said. Of course if a situation elevates Just turn around and leave and contact LEO Bolte.

Thanks--Alex

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--John Prine



From: Oswald, Lauren M -FS
Sent: Tuesday, July 01, 2014 4:25 PM
To: Falvey, Jessica A -FS; Bolte, Bradley -FS
Cc: Sienkiewicz, Alex -FS
Subject: Re: Access in the Crazies

Yes. Please coordinate w Elk Creek landowners yourselves.

OK on Cottonwood, super muddy. 2nd creek crossing is very high. Trails not clear yet so take a chainsaw. County road super muddy/rutted getting there.

Buck creek, conditions need to be confirmed before travelled. May be too muddy unless we really dry out over these warm days.

It's my understanding that Alex signed your travel Auth.

Good luck!

Thanks for the update.

Sent from my iPhone

On Jul 1, 2014, at 4:08 PM, "Falvey, Jessica A -FS" <jfalvey@fs.fed.us> wrote:

Howdy!

Planting ended about 2 hours ago for the 2014 season. I'm a little bleary, but know that the mountain pine beetles are flying (jerks!) so we need to get to our plus trees ASAP.

I am double checking that you would like me to continue dealing directly with the N. Fork of Elk Creek landowners. We also need to gather genetic material from those trees, if they make what we need this year, so maybe 3 trips?

Also we will be driving a truck up Buck Creek and an ATV or bike up to Crazy/Cottonwood.

We have 2 days in the Seed Orchard, then we have to hit the Plus Trees fast, next week Mon-Th.

Thanks! Jes

Sienkiewicz, Alex -FS

From: Bolte, Bradley -FS
Sent: Thursday, June 19, 2014 4:39 PM
To: Sienkiewicz, Alex -FS
Cc: Barker, Kathryn J -FS; Oswald, Lauren M -FS
Subject: Wayne Ford

Alex,

Just got off the phone with Wayne Ford (owner of Alpine Yamaha) and he expressed interest in improving Trail #267 from Ibex to Porcupine. He explained that this trail has always been his father's favorite. He and his father have rode the trail on snowmobile and motorcycles for a long time. He explained that he was riding the trail on his snowmobile this winter when he was confronted by Dave Laubach. Dave confronted Wayne for using the trail, but Wayne was not charged with trespassing.

Wayne would like to see work on this trail at least through sections 14, 11, and 2 where we have perfected easements. If you would like to discuss this with Wayne further he can be reached at 406-222-1211.

Brad Bolte
Law Enforcement Officer
Gallatin National Forest
Livingston, Montana
O: (406) 823-6072
C: (406) 570-8171
F: (406) 222-2546

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, July 24, 2014 9:37 AM
To: McFarland, Elizabeth A -FS; Oswald, Lauren M -FS; Erickson, Mary C -FS
Subject: Porcupine Lowline
Attachments: photo.JPG; ATT00001.txt

This email documents that on 22 July, 2014, Alex Sienkiewicz, Mary Erickson, and Liz McFarland visited the Porcupine Lowline Trail from Porcupine Cabin. We walked the trail and observed fresh motorcycle tracks, horse/ stock use, boot prints, and also found an obsidian hunting point obviously from the distant past (photo attached). At the juncture of the Zimmerman property, the gate was locked and all USFS trail signs had been torn down. I (Alex) had replaced these signs last summer (with Brad Bolte as witness). Alex took photos of the motorcycle tracks and hunting point- all of which are evidence of both historic and continued use of the trail.

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, July 25, 2014 1:02 PM
To: Oswald, Lauren M -FS
Cc: Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Contact with Stakeholder Michael (James) Einhaus (Porcupine Lowline)

Lauren,

This email documents a conversation I just had with Clyde Park resident Michael (James) Einhaus. Mr. Einhaus had called and I returned his call on 7-25-14. He inquired as to why there is a locked gate across the Porcupine Lowline Trail. He expressed disappointment and frustration that the Zimmermans and Guths have attempted to block public access. By locking the gates and tearing down the USFS signage.

I informed him that it is a priority issue for me, and that I am working to restore public access. I informed him that the Forest Service and the public have unperfected legal property interests along the Porcupine Lowline Trail by virtue of a 100 year history of public and administrative use and maintenance at taxpayer expense. He emphasized it is a shame that "no one can get to the mountain lakes on this side of the Crazies anymore." He noted that he has been using those trails since 1999, when he moved to Clyde Park.

/s/ Alex Sienkiewicz

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"...old trees just grow stronger, and old rivers grow wilder every day..."
--John Prine

LIZ McFarland + MWY Erickson on Kereupine Lowline Trail
July 2014



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Friday, July 25, 2014 1:20 PM
To: Oswald, Lauren M -FS
Cc: Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Contact with Wayne Ford (Porcupine Lowline)

Lauren,

This email documents a conversation I just had with Wayne Ford, owner of Alpine Yamaha. I called him to confirm a report (from Brad Bolte) of a confrontation he had this past winter with Dave Laubach, who is the hunting outfitter to whom the Zimmerman's lease their hunting rights in the fall. Wayne noted that indeed Dave Laubach confronted him on the Porcupine Lowline and ordered him off the trail, but that the Sherriff never showed up. I reinforced to Wayne that the USFS holds that there are unperfected legal property interests and public access along the Porcupine Lowline Trail by virtue of a 100 year history of public use and administrative maintenance at the cost of the U.S. taxpayer.

/s/ Alex Sienkiewicz

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--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Tuesday, August 26, 2014 11:31 AM
To: Bolte, Bradley -FS; Oswald, Lauren M -FS
Cc: Peterson, Jade A -FS
Subject: RE: Crazies Access

Dear Lauren and Brad,

I spoke with this gentleman just now (Denis Kotecki). I explained to him that the Forest Service holds that it has unperfected legal rights for public access along the Porcupine Lowline Trail; Sweetgrass Creek, and elsewhere. I noted that these access points and trails were contested at the moment and that the neighboring landowners might hassle him if he used them. I noted that he should never sign-in at such contested locations as that would undermine public access rights. I also mentioned that at all of these sites, the Forest Service and public have typically enjoined a century or longer period of continuous public use that is, in many case, being hampered by adversarial landowners. I suggested that if he were ever challenged, that he contact the Sheriff and ask the landowners to prove that there is no right of public access... Jade—please place this note in the Sweetgrass file.

/s/ Alex Sienkiewicz

Alex Conbly Sienkiewicz

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--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, September 08, 2014 9:57 AM
To: Oswald, Lauren M -FS
Cc: Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Crazies Access: Austin Wargo, Columbia Falls, MT

Lauren—

This email documents a conversation I had with Austin Wargo of Columbia Falls, MT today. Austin called to discuss trails 267, 272, 122, and 136. Specifically, he wanted to know if there was legal access. I told him (as has been our position per Bob Dennee's affidavit on file), that the USFS holds that there is "unperfected" legal access on these trails and access roads thereto (Sweetgrass Creek).

I noted to Mr. Wargo, that come September, most of these places are locked up tight by illegally locked gates (Carrocia, Zimmerman, Rein, Guth) as these folks and their outfitter concessionaires are all trying to lockout hunters. I was clear that I was not advocating for or against any specific course of action on Mr. Wargo's part, but only that the USFS' position was clear. Additionally, noting checkerboard ownerships, I stated that if he parked, he should be sure to park on USFS ground. He expressed his deep disappointment in the disputed access points and also his contempt for the neighboring landowners seeking to prevent access to public lands and wildlife.

/s/ Alex Sienkiewicz

Alex Conbly Sienkiewicz

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--John Prine

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, October 16, 2014 12:08 PM
To: Oswald, Lauren M -FS
Cc: Bolte, Bradley -FS; McFarland, Elizabeth A -FS; Erickson, Mary C -FS
Subject: Lowline documentation of continued use and maintenance

Dear Lauren,

This email documents a conversation I had yesterday with Mark Hoffman, owner of Crazy Mountain Motor Sports. Mark reported to me that on or about September 21, 2014; he and John Hogenson rode their motorcycles along the Porcupine Lowline Trail from Ibex Cabin to Porcupine Cabin.

Mark reported that he was stopped on the Lowline Trail by Sherry Nichols and Ned Zimmerman, who were ostensibly elk hunting on four wheelers. They told Mark and John that they weren't supposed to be on the trail. Mark reported that they traded "rude remarks" and that Mark and John kept riding the trail. I emphasized to Mark that the USFS holds that this is a legal trail and that the Zimmermans, Guths, and their outfitter Dave Laughbaugh (sp?) are acting illegally in closing off this trail. Mark reported that he has recently been clearing the trail along its course, which he follows by the red USFS blazes.

/s/ Alex Sienkiewicz

Alex Conbly Sienkiewicz

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--John Prine

Sienkiewicz, Alex -FS

From: Mark Hoffman <mark@crazymtn.com>
Sent: Thursday, November 05, 2015 9:19 AM
To: Kerry White
Cc: Sienkiewicz, Alex -FS
Subject: RE: Taxes and accomplishments letter

Hi Kerry,

I worked with Alex Sienkiewicz the District Ranger out of the Livingston office about the access issues with the private property owners for the Low Line trail in the Crazy Mountains. We talked on the phone a couple of times during the single track motorcycle season (July through October). We made several trips (approx 6) from the trail head at Ibex working our way north trying to re-identify the trail. We cleared a lot of blown down trees and branches that blocked the trail. We put up ribbons and painted old blazes on trees. We also used a GPS map system to find and accurately locate the trail relating to what the Forest Service provides in an app called PDF Maps. It worked really well.

Best regards,

Mark Hoffman Owner/President
Crazy Mountain Motorsports Inc.
312 First Ave. N. ~ POB 162
Clyde Park, MT 59018
PH. 406-686-4921
www.crazymtn.com

From: Kerry White [<mailto:kerry@balanceduse.org>]
Sent: Wednesday, November 04, 2015 5:16 PM
To: bigmule@me.com; erickbk@hotmail.com; Mark Hoffman; patpinyellow@wyellowstone.com; plblanksma@netzero.net; rapidtekk@yahoo.com; roryerhard@msn.com; snowlover4u@hotmail.com; treewhacker@wyellowstone.com; twobrown@wispwest.net; wntrland@gmail.com
Subject: Taxes and accomplishments letter

CBU VB,

Got a letter from Mary Clark and our taxes are due by November 16th. I have set up a meeting with Mary on November 10th to deliver the accomplishments letter and sign the tax return. Now I know Ben is busy in China so I am picking up the slack. I have written about 1200 words for the Quarterly and will get the other 1000 words put together this week. Please send me the list of things you did this year to be included in the accomplishments letter. Any letters you wrote, phone calls you made, meetings you attended, etc. so I can put together the accomplishments letter to be included with our taxes. If possible include at least the month in which you engaged in that effort. Get it to me ASAP. Otherwise it won't be included.

Thanks,

K

Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Thursday, November 05, 2015 11:09 AM
To: FS-pdl r1 custer gallatin yellowstone; FS-pdl r1 custer gallatin gardiner; Shoutis, William -FS
Subject: Report of New access blockage on Lowline Trail 272 through CMR/Phillip Morris

All—I have report of a new access blockage (fourth blocked access in as many months on the YRD) on the Lowline Trail (272) as it crosses Phillip Morris/Crazy Mountain ranch. In sections 6/31. I was told the gate that used to exist at the fenceline to allow passage has been replaced by barbed wire. I am hoping one of you can confirm this for me.

If you can provide me with any information on this new reported access blockage, I would appreciate it. I have sent a note to Ty Ferguson—the CMR Ranch Manager asking what his knowledge of this may be.

Again—please let me know if you have any intel.

Thank you--Alex



Alex Corbly Sienkiewicz
District Ranger

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Caring for the land and serving people



File Code: 5460
Date: January 28, 2016

Ty Ferguson & Andrew Hoefer
Crazy Mountain Ranch/Altria
6601 West Broad Street, Richmond, Virginia 23230

Dear Ty and Andy,

Happy new year. I hope this letter finds you both well. I am writing to document a conversation Ty and I had this past November after USFS Law Enforcement reported to me that CMR had blocked the Lowline Trail (#272) (a century-old Forest Service System Trail) as it runs through CMR sections 5, 6 & 31. In an email on 4 November, 2015, Ty asked me to call him regarding the report of the illegally blocked trail, which I did. In the subsequent conversation I informed Ty that the CMR fence would need to be removed from its intersection with the Lowline Trail. Ty emphasized that in his opinion the fence "has always been there as long as [he has] worked at CMR." I emphasized that I wasn't concerned with finding out what occurred, but that I needed the obstruction removed. I noted that I would GPS the trail to locate with precision its exact intersection with CMR's fence, and that we would have to work together to remove the obstruction to public access to this longstanding trail. As it happens this trail dates back more than a century and connects a system of historic Forest Service Guard Stations from which the broad spectrum of our agency's mission has been implemented. In short, I plan to be in touch this spring to discuss a plan to remove CMR's barrier to this legal public trail. Importantly, the trail's public use will continue independent the fence at issue. I hope we can work together to resolve this issue. Please let me know if you have any questions. The public is very sensitive to lost and disputed access to their public lands, wildlife, and waters. These issues are best resolved amicably. I appreciate your understanding.

Sincerely,

Alex Sienkiewicz, Yellowstone District Ranger



Sienkiewicz, Alex -FS

From: Sienkiewicz, Alex -FS
Sent: Monday, August 22, 2016 4:01 PM
To: Taylor, Nancy -FS; Dennee, Robert L -FS; Oswald, Lauren M -FS; Erickson, Mary C -FS; McFarland, Elizabeth A -FS
Subject: Letter to File re: MOGA meeting and Chuck Rein

This letter to the file documents that on 17 August 2016, after the MOGA leadership meeting with Custer Gallatin NF leadership; Chuck Rein presented Alex Sienkiewicz and Mary Erickson with a copy of an EMAIL Alex had sent out to staff with CC to Forest Leadership Team. Rein complained that he was NOT trying to extinguish public access to public lands.

This email had subsequently been posted to PLWA's facebook page by an unknown 3rd party. The 6/28/2016 email follows:

All—This is my regular reminder:

NEVER ask permission to access the national Forest Service through a traditional route shown on our maps EVEN if that route crosses private land.

NEVER ASK PERMISSION; NEVER SIGN IN (concerns—come see me)

This includes BUT IS NOT LIMITED TO:

-Sweet Grass Creek (Carrocia Rein attempting to extinguish public access)

-Anywhere on the Lowline Trail (east and west Crazies) (Zimmerman, Guth, Groff, Langhuis and others trying to extinguish public access).

-Swamp Creek (Grosfield trying to extinguish public access)

-16 Mile north crazies

Whatever past DRs or colleagues have said, I am making it clear, DO NOT ASK permission and DO NOT ADVISE publics to ask permission. These are historic public access routes... By asking permission, one undermines public access rights and plays into their lawyers' trap of establishing a history of permissive access.

Again, questions, concerns, come see me.

Thank you—Alex

Mac Minard of MOGA also sat in on the conversation. Chuck Rein asserted that he was NOT trying to extinguish public

access, and stated as much firmly. Alex responded that when he (Rein) and the Carroccias locked gates across century-old roads like Sweetgrass Creek and put up signs drafted by lawyers stating that all access was "permissive"; that indeed he was working to extinguish public access to public lands. Both Mac Minnard and Chuck Rein asked Mary Erickson if she agreed with my (Alex's) position regarding never signing-in and never asking permission of private landowners at traditional forest access points, and Mary stated that she did support this position. All could see the parties were in disagreement, and Mr. Rein acknowledged that it would likely be unproductive to debate further. I asserted I was simply doing my job and that citizens expected me to defend public access. I noted that I was trying to "get kids to the their public lands" via traditional, century-old routes.

When the tension eased a bit, I invited Chuck to coffee or a meal to discuss possible alternative resolutions (including land exchanges or trading easements), and Chuck said he would consider it, but that "It's not just me up there" ... suggesting that the Carroccias and others are involved in the gating of the Sweetgrass Creek Road in multiple places.

I emphasize in this writing that the agency's and Rein's positions as regards this access point were "adverse" in nature in that Rein asserted any and all prospective visitors needed to ask his permission, While I (Sienkiewicz with Erickson's concurrence) asserted USFS and publics should indeed NEVER ask his permission NOR that of any other landowners (e.g., Carrocia, Cosgriff, Anderson) flanking traditional routes on the official forest map). I also asserted that USFS and publics need never sign in to access the forest via these traditional routes.

/s/ Alex Sienkiewicz



Alex Corbly Sienkiewicz
District Ranger

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